In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-1144

FRANK LOMPREZ, JR. AND
JOSEPH WILLIAM SMITH, PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Following a jury trial in the United States District Court for the Southern District of Illinois, petitioners were convicted on three counts of bank robbery in violation of 18 U.S.C. 2113(a), (b) and (d). Petitioner Lomprez was sentenced to 18 years' imprisonment on count three.[1] The court of appeals affirmed (Pet. App. B-1 to B-6).

Petitioner's contentions concerning the sufficiency of the evidence, the admission of evidence of a false exculpatory statement made by petitioner Smith to F.B.I. agents after he had been warned of his rights and the

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[1] Petitioners were originally given sentences on all three counts but on December 17, 1971, the sentences were corrected to a single sentence on count three.

alleged violation of the "best evidence" rule are fully answered in the opinion of the court of appeals, on which we rely.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

APRIL 1973.